(56)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.

M.A. No. 56 of 2007

APPELLANTS PLAINTIFFS

1. Mohanlal S/o Butulal Rathiya, Aged about 50 years, Occupation-Agriculture,
2. Rewati Bai W/o Mohanlal Rathiya, Aged about 45 years, Occupation-Housewife.

Both R/o Village-Manuapali, P/O Jaamgaon, Thana-Chakradhar Nagar, Raigarh, Tahsil & District Raigarh (C..G.)

versus

RESPONDENTS/ DEFENDANTS

1. Manish Agrawal, Owner M.S.P. Steel and Power Limited Jaamgaon, Through- General Manager, M.S.P. Steel and Power Limited, Jaamgaon, Tahsil & District Raigarh (C.G.)
2. General Manager, M.S.P. Steel and Power Limited, Jaamgaon, Tahsil & District Raigarh (C.G.)
3. Ramesh Chandra Tiwari, S/o Ramadhar Tiwari, Manager, M.S.P. Steel and Power Limited, Jaamgaon, at present R/o Nearby TV tower, Raigarh, M.S.P. Steel and Power Limited, Raigar,

All in the vicinity of Thana-Chakradhar Nagar, Tahsil and District Raigarh (C.G.)

Misc. Appeal under Section 104 R/W Order 43 Rule 1 of Code of Civil Procedure, 1908

Present : Shri Gautam Bhaduri, counsel for the applicants.

ORAL ORDER
(Passed on 10th October, 2007)

Heard.

2. Learned counsel for the appellants prayed for permission to withdraw this appeal while making a submission that while passing

the impugned order dated 24-07-2007, the Trial Court did not consider the prayer for exemption from payment of Court fees under Order 33 Rule 1 sub-clause (a) of the C.P.C. but has rejected it only on the ground that it does not fall within the purview of the notification NO. 1-9/1/03 B-21 dated 1.4.83 or notification No. 9-2-86-B-21, dated 2nd August, 1986 and therefore, he may be granted the liberty to make an application before the Trial Court for considering his prayer under Order 33 Rule 1 Sub-clause (a) of C.P.C.

3. Reserving the aforesaid liberty, this appeal is dismissed as withdrawn. Upon such an application being made, the Trial Court shall consider and decide the same on its own merit in accordance with law.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Kvr